IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.2866 OF 2003

Bailif Mukhtar M. Hussain ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

Mr.V.S.Deokar with Mr. Laxman N. Bedekar for Petitioner
Mr.R.D. Rane, A.G.P. for Respondent Nos.1,3 & 4
Mr.Nitin Jamdar for Respondent no.2
Mr. A.A. Kumbhakoni for Respondent no.6.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 31ST JANUARY, 2005.

P.C.

. Rule. Heard forthwith.

2. By the present petition the petitioner has sought various reliefs to challenge the orders of non-accord of sanction to open second division in the VIIth Standard of the school run by the respondent no.6 Society. They have also sought a relief to direct the respondent State to give approval to the respondent no.5 and the relief of grant-in-aid from 1994-1995. Admittedly the State Government has not granted approval for the second division of VIIth standard and such a permission has been granted only in the year 2000-2001. The management had not challenged the decision of the State Government refusing permission for sanction

which was first rejected by letter dated 12th April, 1994. We do not want to go into various contentions at the instance of the teacher as the petition by the Management, is now pending being Writ Petition No.1742 of 2004. When the petitioner was employed by the management, the management is duty bound to pay the salary to the teacher whether the State Government grants Grant or not. Considering that it will not be proper for us to consider the reliefs as sought by the petitioner in the present petition.

3. Having said so the issue remains that in fact the petitioner seems to have been teaching in the school for so many years. Bearing in mind the peculiar fact and the fact that the petitioner has been teaching for a long time whether the division was factual or not we think it proper if and when the post is advertised then, the application of the petitioner be considered for appointment on regular basis and age qualification would be relaxed to that extent, in so far as the petitioner is concerned. With the above directions petition is disposed of. There shall be no order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)